

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

INSOLVENCY JURISDICTION

NOTICE OF MOTION NO. 144 OF 2005

IN

PETITION NO. 40 OF 1994

Re : Nargis Abid Upletawala. ...Insolvent
Exparte :
Ms.Dipika Ramniklal Doshi. ...Pt.Creditor

Mr.K.T. Kukreja for Creditors.
Mr.K.J. Somane for insolvent.
Mr.Y.C. Parikh, Official Assignee present.

CORAM : A.S. AGUIAR, J.
DATED : OCTOBER 4, 2005

P.C. :-

. The present Motion has been taken out by the Insolvent for setting aside the dismissal of the earlier Notice of Motion No.165/2003 and for condonation of delay in complying with the order passed on 20th July, 2004 by this Court (Coram : Chandrachud, J.) in the said Notice of Motion No.165/2003 taken out by the insolvent above-named for annulment under Section 21(1) of the Presidency Towns Insolvency Act, 1909.

2. By the said order dated 20th July, 2004, the insolvent was directed to deposit Rupees Three lacs with

the Official Assignee within a period of two weeks and lodge receipt for payment made to the Sales Tax Department and to furnish an indemnity in respect of claims that may be made by other creditors.

3. Learned Advocate for the insolvent states that so far as Sales Tax dues are concerned, original challans have been lodged with the Official Assignee on 31st July, 2004. He states that he is ready to pay the sum of Rupees Three lakhs together with interest on the unpaid amount as calculated by the office of the Official Assignee within the period of two weeks. He further agrees to submit the Indemnity Bond also within two weeks.

4. learned Advocate for the other creditors has no objection to the Insolvent's application being granted.

5. In view thereof, Notice of Motion made absolute in terms of prayer clauses (a) and (b). The Insolvent to comply with the directions in the said order dated 20th July, 2004 within the period of two weeks. Motion

to stand disposed of.

. Certified copy expedited.

(A.S. Aguiar, J.)